

NURSING BOARD[655]

Notice of Intended Action

Proposing rule making related to submission of waiver information and providing an opportunity for public comment

The Board of Nursing hereby proposes to amend Chapter 15, “Waiver Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 17A.9A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9A.

Purpose and Summary

During the 2020 Legislative Session, the Legislature passed 2020 Iowa Acts, House File 2389, which made various amendments to Iowa Code chapter 17A. Section 10 of this legislation amended Iowa Code section 17A.9A by establishing an Internet site for the submission of waiver information, and agencies are now required to submit information regarding waivers within 60 days of ruling on a waiver request. This proposed rule making updates the Board’s waiver-reporting rules to align with the new procedure. In addition, this rule making updates the Chapter 15 parenthetical implementation statutes and the chapter implementation sentence.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on May 25, 2021. Comments should be directed to:

Kathy Weinberg
Iowa Board of Nursing
400 S.W. Eighth Street, Suite B
Des Moines, Iowa 50309
Email: kathy.weinberg@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

May 25, 2021
10 to 11 a.m.

Board Office, Suite B
400 S.W. Eighth Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **655—15.1(147,ExecOrd8,78GA,ch1176)**, parenthetical implementation statute, as follows:

655—15.1(147,ExecOrd8,78GA,ch1176 17A,147) Definition.

ITEM 2. Amend rule **655—15.2(147,ExecOrd8,78GA,ch1176)**, parenthetical implementation statute, as follows:

655—15.2(147,ExecOrd8,78GA,ch1176 17A,147) Scope of chapter.

ITEM 3. Amend rule **655—15.3(147,ExecOrd8,78GA,ch1176)**, parenthetical implementation statute, as follows:

655—15.3(147,ExecOrd8,78GA,ch1176 17A,147) Applicability of chapter.

ITEM 4. Amend rule **655—15.4(147,ExecOrd8,78GA,ch1176)**, parenthetical implementation statute, as follows:

655—15.4(147,ExecOrd8,78GA,ch1176 17A,147) Criteria for waiver.

ITEM 5. Amend rule **655—15.5(147,ExecOrd8,78GA,ch1176)**, parenthetical implementation statute, as follows:

655—15.5(147,ExecOrd8,78GA,ch1176 17A,147) Filing of petition.

ITEM 6. Amend rule **655—15.6(147,ExecOrd8,78GA,ch1176)**, parenthetical implementation statute, as follows:

655—15.6(147,ExecOrd8,78GA,ch1176 17A,147) Content of petition.

ITEM 7. Amend rule **655—15.7(147,ExecOrd8,78GA,ch1176)**, parenthetical implementation statute, as follows:

655—15.7(147,ExecOrd8,78GA,ch1176 17A,147) Additional information.

ITEM 8. Amend rule **655—15.8(147,ExecOrd8,78GA,ch1176)**, parenthetical implementation statute, as follows:

655—15.8(147,ExecOrd8,78GA,ch1176 17A,147) Notice.

ITEM 9. Amend rule ~~655—15.9(147,ExecOrd8,78GA,ch1176)~~, parenthetical implementation statute, as follows:

~~655—15.9(147,ExecOrd8,78GA,ch1176~~ 17A,147) Hearing procedures.

ITEM 10. Amend rule ~~655—15.10(147,ExecOrd8,78GA,ch1176)~~, parenthetical implementation statute, as follows:

~~655—15.10(147,ExecOrd8,78GA,ch1176~~ 17A,147) Ruling.

ITEM 11. Amend rule ~~655—15.11(147,ExecOrd8,78GA,ch1176)~~, parenthetical implementation statute, as follows:

~~655—15.11(147,ExecOrd8,78GA,ch1176~~ 17A,147) Public availability.

ITEM 12. Amend rule ~~655—15.12(147,ExecOrd8,78GA,ch1176)~~ as follows:

~~655—15.12(147,ExecOrd8,78GA,ch1176~~ 17A,147) Summary—reports **Submission of waiver information.** ~~Semiannually, each division board shall prepare a summary report identifying~~ Within 60 days of granting or denying a waiver, the board shall submit the following information to the Internet site created pursuant to Iowa Code section 17A.9A(4): the ~~rules~~ rule(s) for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by ~~these rules~~ the rule(s), and a general summary of the reasons justifying the board's actions on ~~the waiver requests~~ request. If practicable, the ~~report~~ submission shall detail ~~the extent to which the granting of a waiver has established a precedent for additional waivers~~ and the extent to which the granting of a waiver has affected the general applicability of the rule itself. ~~Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.~~

ITEM 13. Amend rule ~~655—15.13(147,ExecOrd8,78GA,ch1176)~~, parenthetical implementation statute, as follows:

~~655—15.13(147,ExecOrd8,78GA,ch1176~~ 17A,147) Cancellation of a waiver.

ITEM 14. Amend rule ~~655—15.14(147,ExecOrd8,78GA,ch1176)~~, parenthetical implementation statute, as follows:

~~655—15.14(147,ExecOrd8,78GA,ch1176~~ 17A,147) Violations.

ITEM 15. Amend rule ~~655—15.15(147,ExecOrd8,78GA,ch1176)~~, parenthetical implementation statute, as follows:

~~655—15.15(147,ExecOrd8,78GA,ch1176~~ 17A,147) Defense.

ITEM 16. Amend rule ~~655—15.16(147,ExecOrd8,78GA,ch1176)~~, parenthetical implementation statute, as follows:

~~655—15.16(147,ExecOrd8,78GA,ch1176~~ 17A,147) Judicial review.

ITEM 17. Amend ~~655—Chapter 15~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 17A and 147, ~~Executive Order Number 8~~, and 2000 Iowa Acts, chapter 1176.